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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/747,692	12/30/2003	Daisuke Nakata	1095.1294	2846
21171	7590	03/17/2005	EXAMINER	
STAAS & HALSEY LLP SUITE 700 1201 NEW YORK AVENUE, N.W. WASHINGTON, DC 20005			TRAN, MICHAEL THANH	
			ART UNIT	PAPER NUMBER
			2827	

DATE MAILED: 03/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/747,692

Applicant(s)

NAKATA, DAISUKE

Examiner

Michael t. Tran

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on December 30, 2003 through May 26, 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 5, 6 and 9 is/are rejected.
- 7) ☒ Claim(s) 3, 4, 7 and 8 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 031105.

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____

- 5) ☐ Notice of Informal Patent Application (PTO-152)

- 6) ☐ Other: _____

MICHAEL TRAN
PRIMARY EXAMINER

DETAILED ACTION

1. In response to the Communications dated December 30, 2003 through May 26, 2004, claims 1-9 are active in this application.

Foreign Priority

2. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a) (d), which papers have been placed of record in the file.

Information Disclosure Statement

3. The information disclosure statement filed December 30, 2003 has been considered.

Claim Objections

4. Claims 3, 4, 7, and 8 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim Rejections – 35 U.S.C. § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in-

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or

(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

6. Claims 1, 2, 5, 6, and 9 are rejected, as understood, under 35 U.S.C 102(e) as being anticipated by McClain et al. [U.S. Patent #6,731,536].

With respect to claim 1, McClain et al. disclose a semiconductor memory having a function of protecting data stored in a nonvolatile semiconductor memory, the semiconductor memory comprising: a volatile protection state specification section [volatile dynamic protection bits – see figure 1] for controlling the protection state of data in the nonvolatile semiconductor memory; and a nonvolatile initial state store section [Flash array program, erase, and protection logic – see figure 1]. See columns 1 and 2.

With respect to claim 2, McClain et al. disclose the section includes one bit and determines the protection state of data by one or zero [see Table A], further wherein the initial state store section includes one bit and determines the initial state by one or zero [see Table A].

With respect to claim 5, McClain et al. disclose the memory further comprising a volatile protection state lock section for locking the state of the protection state specification sections – PPB Lock bit.

With respect to claim 6, McClain et al. disclose the protection state lock section includes one bit and determines by one or zero whether to lock the protection state of data. See columns 1 and 2.

With respect to claim 9, McClain et al. disclose a security level is divided into two stages [volatile or non-volatile – see abstract and columns 1 and 2] on the basis of whether the protection state of data is locked by the protection state lock section, further wherein authentication with a password is performed to change the protection state of data from a locked state to a non-locked state – see columns 1 and 2.

Allowable Subject Matter

7. The following is an Examiner's statement of reasons for the indication of allowable subject matter: the prior art of records does not show (in addition to the other elements in the claim) the following: the following:

- Wherein the protection state specification section is located for each of sectors in the nonvolatile semiconductor memory, further wherein the initial state store section is located for each of the protection state specification sections.
- Wherein the number of the initial state store section located for the plurality of the protection state specification sections is one.

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- Further comprising a second nonvolatile initial state store section for determining an initial state of the protection state lock section.

Conclusion

8. When responding to the Office action, Applicants are advised to provide the Examiner with line and page numbers of the application and/or references cited to assist the Examiner in the prosecution of this case.

9. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Michael T. Tran whose telephone number is (571) 272-1795. The Examiner can normally be reached on Monday-Thursday from 7:30-6:00 P.M.

10. Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (571) 272-1650.



Michael T. Tran
Art Unit 2827
March 14, 2005

MICHAEL TRAN
PRIMARY EXAMINER